

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ANDREW PJ WHITAKER, #1984096,

Plaintiff,

V.

WARDEN KEMPT, et al.,

Defendants.

Case No. 6:19-cv-349-JDK-JDL
CONSOLIDATED WITH 6:19CV416 JCB/KNM

ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Andrew PJ Whitaker, a Texas Department of Criminal Justice inmate proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition.

On May 20, 2021, Judge Love issued a Report and Recommendation recommending that the Court dismiss this case with prejudice for failure to state a claim upon which relief can be granted. Docket No. 31. Plaintiff timely objected. Docket No. 33.


Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other*

grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Having conducted a de novo review of the record in this case and the Magistrate Judge's Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 31) as the opinion of the District Court. Plaintiff's claims are **DISMISSED** with prejudice pursuant for failure to state a claim upon which relief can be granted. All pending motions are denied as moot.

Signed this

Jun 10, 2021



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE